

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application for Reissue of U.S. Patent No. 5,697,970

Applicants: Schmitt, et al.

Examiner: Gherbi, Suzette Jaime J.

Serial No.: 09/464,610

Group Art Unit: 3738

Filed: December 15, 1999

Docket: 498-53 CON/RES
(760-114 CON/RES)For: THINLY WOVEN
FLEXIBLE GRAFTDated: January ²³ 17, 2007 JSCertificate of Facsimile TransmissionI hereby certify that this paper is being facsimile transmitted
to the Patent and Trademark Office on the date shown.Date: January ²³ 17, 2007 JS

Signature: Judith Poggi

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**SUPPLEMENTAL REISSUE DECLARATION**

Sir:

I, Jose F. Nunez, declare that I am a citizen of the United States and a resident of St.
~~CRYSTAL~~
Anthony, Minnesota, and:IN 1/18/07
I, Peter J. Schmitt, declare that I am a citizen of the United States and a resident of
Garnerville, New York, and:that we believe that we are the original and first inventors of the subject matter claimed in
U.S. Patent No. 5,697,970 (hereinafter the '970 patent), entitled "Thinly Woven Flexible Graft";
that we have reviewed and understand the specification of the accompanying reissue
application, including the claims;that we believe that we are the original and first inventors of the subject matter which is
claimed and for which a reissue patent is sought; andthat we acknowledge our duty to disclose to the U.S. Patent and Trademark Office all
information known to us to be material to patentability as defined in 37 C.F.R. §1.56.

We further declare that we believe the above-identified original patent to be partly

Applicants: Schmitt et al.
Application No.: 09/464,610
Docket No.: 498-53 CON/RES (760-114 CON/RES)
Page 2 of 3

inoperative or invalid by reason of our claiming more than we had a right to claim in the original patent. Specifically, we believe that the original patent is partly inoperative or invalid for not including limitations in the claims that were required by the prior art.

After reviewing the specification and issued claims of the U.S. Patent No. 5,697,970 and consulting with patent attorneys for Scimed Life Systems, Inc. assignee of the '970 patent and the law firm of Hoffmann & Baron, LLP, who are outside patent counsel for Scimed Life Systems, Inc., we came to the realization that we had inadvertently failed to define over the prior art.

We believe that the error constituted inadvertent failure to appreciate the full scope of the prior art, and that the error arose without any deceptive intent on our part.

Claims 1 and 11 of the reissue application are amended to overcome the rejection in view of U.S. Patent No. 5,282,847 to Trescony. Specifically, claims 1 and 11 are amended to include a limitation for "circumferential" crimps to distinguish over the Trescony reference.

During prosecution of the application, we did not fully realize or appreciate the need for these limitations to define over the prior art. The need for the added limitations in claim 1 and claim 11 resulted from the apparent failure of ourselves and patent counsel to fully appreciate the full scope of the invention as taught by the specification with respect to the prior art.

Furthermore, all errors being corrected in the present reissue application arose without any deceptive intention on our part.

We declare that all statements made herein of our own knowledge are true, and that all statements made upon information and belief are believed to be true and further, that these

Applicants: Schmitt et al.
Application No.: 09/464,610
Docket No.: 498-53 CON/RES (760-114 CON/RES)
Page 3 of 3

statements were made after being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such false statements may jeopardize the validity of this application or any patent issuing thereon.

Peter J. Schmitt



Inventor's Signature

12 January 2007

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Applicants: Schmitt et al.
Application No.: 09/464,610
Docket No.: 498-53 CON/RES (760-114 CON/RES)
Page 3 of 3

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